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*Carter, J*  
*Pratt, I*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 7-5-16

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LEEWARD CONSTRUCTION COMPANY,  
LTD.,

Plaintiff,

Case No. 1:12-CV-06280-LAK/GWG

v.

AMERICAN UNIVERSITY OF ANTIGUA –  
COLLEGE OF MEDICINE and MANIPAL  
EDUCATION AMERICAS, LLC f/k/a GCLR,  
LLC,

Defendants

**ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION AND  
TEMPORARY RESTRAINING ORDER**

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Upon the declaration of Leonard A. Sclafani dated June 30, 2016, (the “Sclafani Declaration”), and upon the Memorandum of Law submitted by American University of Antigua – College of Medicine (“AUA”), copies of which have been provided to counsel for Plaintiff Leeward Construction Company, Ltd. (“Leeward, Ltd.”), and the Court having heard argument of counsel, and for good cause shown, it is

ORDERED that Leeward, Ltd. show cause before the Honorable Lewis A. Kaplan, Room 21B, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on July 14, 2016, at 10 (a.m.) / p.m., or as soon thereafter as counsel may be heard, (a) why an order should not be issued pursuant to Rule 60(b)(5) of the Federal Rules of Civil Procedure and Local Civil Rule 54.3 ruling that the Corrected Amended Judgment entered in this case on June 11, 2013 (the “Corrected Amended Judgment”) has been satisfied and released by way of

offsetting judgment of greater amount entered on May 5, 2015 in *American University of Antigua v. Leeward Construction Co., Ltd.*, Civil Action No. 14-cv-8410 (DLC); **(b)** why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining Leeward, Ltd., its officers, directors, partners, employees, agents, servants and attorneys and those persons in active concert or participation with them, including but not limited to Leeward Construction Company, Inc. (“Leeward, Inc.”) and Eric Linde, from taking any action to execute the Corrected Amended Judgment and further requiring Leeward, Inc. to withdraw its demand for payment under Bond Number 3349772 (the “Bond”) issued by SureTec Insurance Company (“SureTec”); **(c)** why an order should not be issued pursuant to the New York Debtor and Creditor Law declaring the purported transfer of a security interest between Leeward, Ltd. and Leeward, Inc. to be void as a fraudulent transfer; and **(d)** why an order should not be issued pursuant the New York Uniform Commercial Code declaring Leeward, Inc.’s purported security interest to be invalid and unenforceable; and it is further

ORDERED that, sufficient reason having been shown therefor, pending the hearing of AUA’s application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., Leeward, Ltd., its officers, directors, partners, employees, agents, servants and attorneys and those persons in active concert or participation with them, including but not limited to Leeward, Inc. and Eric Linde, are temporarily restrained and enjoined from (a) taking any action to execute the Corrected Amended Judgment; and (b) receiving payment under the Bond or taking any action seeking payment under the Bond; and it is further

ORDERED that if Leeward, Ltd. intends to file answering affidavits, briefs, or other papers on or before the return date of this Order, such documents shall be filed with this Court and served by e-mail upon AUA’s counsel, James M. Hirschhorn, Esq.

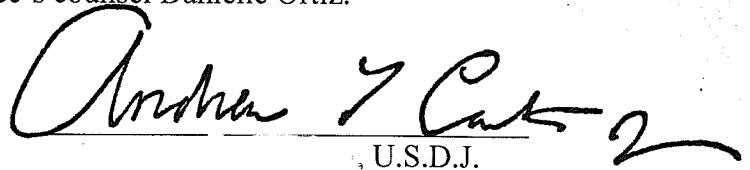
(jhirschhorn@sillscummis.com), Gregory E. Reid, Esq. (greid@sillscummis.com), and Leonard A. Sclafani (las@lasattorneys.com), and SureTec, counsel, Danielle Ortiz (dortiz@suretec.com),

so as to be received no later than July 11, 2016; and it is further

ORDERED that AUA may file reply papers and serve them by e-mail upon Leeward, Ltd.'s counsel, J. Scott Greer (jsgreer@lewisgreer.com), and SureTec's counsel, Danielle Ortiz,

so as to be received no later than July 13 2016; and it is further

ORDERED that a true copy of (i) this Order to Show Cause, (ii) the Sclafani Declaration, and (iii) the Memorandum of Law in Support of AUA's Motion for a Temporary Restraining Order and Preliminary Injunction shall be served upon Leeward, Ltd. and SureTec within 1 days of the date of this Order, and that such service may be completed by e-mail service upon Leeward, Ltd.'s counsel, J. Scott Greer, and SureTec's counsel Danielle Ortiz.

  
U.S.D.J.

Dated: July 5, 2016

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